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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,368	01/26/2001	Derek Stinnes	103910-623-NP	6465
24964	7590	08/11/2004	EXAMINER	
GOODWIN PROCTER L.L.P 103 EISENHOWER PARKWAY ROSELAND, NJ 07068			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER

3636

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,368

Applicant(s)

STINNES, DEREK

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transverse carrier having a front end disposed higher than a rear end, two auxiliary frames, the laminate layers, the receptacle, the honeycomb grid, and bearings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 12, 13, and 20 are objected to because of the following informalities:

- a. claim 12, line 6, "longitudinal" should read "longitudinal carrier";
- b. claim 12, lines 11-12, "said longitudinal carriers, said longitudinal carrier" should read "said at least one longitudinal carrier, said at least one longitudinal carrier";
- c. claim 12, line 14, "ends" should read "ends of said at least one longitudinal carrier";
- d. claim 12, line 15, "from" should read "on";
- e. claim 13, lines 2-3, "said surface in the shape of a shell from a multiplayer laminate, and wherein said guide is at lest" should read "said surface from a multiplayer laminate in the shape of a shell, and wherein said guide is at least";
- f. claim 13, line 4, "eacjh" should read "each";
- g. claim 18, line 2, "each of said at least one damping element";
- h. claim 20, line 3, "in," should read "in.".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, "at least one transverse carrier" is recited in line 7 and "a transverse carrier" is recited in line 9. It is unclear whether the two limitations define the same structural element or define separate structural elements.

Regarding claim 12, the phrase "at least one carrier" in line 13 is unclear rendering the scope of the claim indefinite.

Regarding claims 12 and 18, "an auxiliary frame" is recited in claim 12, line 11 and "two auxiliary frames" is recited in claim 12, lines 1-2. It is unclear whether the two limitations define the same structural element or define separate structural elements.

Regarding claim 17, the phrase "the upper front transverse carriers" in lines 3-4 is unclear rendering the scope of the claim indefinite.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12 and 15-18, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,261,396 to Jackman in view of U.S. Patent No. 2,971,566 to Negroni.

Jackman discloses a seat that is basically the same as that recited in claims 12 and 15-18, as best understood, except that the seat lacks transverse carriers, as recited in the claims. See Figures 1-5 of Jackman for the teaching that a seat has a seat shell (see Fig. 3) with a surface having at least one guide 11 (Fig. 3) integrated into the surface, a frame (see Fig. 2) including a basic frame 14,17 (Fig. 4) with longitudinal carriers and an auxiliary frame 10,13 (Fig. 4) of two longitudinal frames with rear ends and rotatable front ends, a damping element 25 (Fig. 3) between a rear part of the basic frame and the auxiliary frame, an upper mounting 26 (Fig. 3) on the damping element, a lower mounting (see Figure 3) on the damping element, a displaceable receptacle (see Fig. 3), and crossing over clamps 18 (Fig. 4) connecting the basic frame and auxiliary frame wherein the guide accommodates the auxiliary frame. Negroni shows a seat similar to that of Jackman wherein the seat has a seat shell 50 (Fig. 1), a frame (see Fig. 1) including a basic frame with transverse carriers 3,6,12 (Fig. 1) welded to longitudinal carriers 1,2,8 (Fig. 1), and a damping element 34 (Fig. 1) disposed on the frame with rotatable mountings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made

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to modify the seat of Jackman such that the basic frame has transverse carriers welded to the longitudinal carriers with the auxiliary frame being rotatably mounted thereon, the receptacles disposed on auxiliary frame, and the crossing over clamps rotatably connecting the longitudinal carriers of auxiliary frame to an upper transverse carrier of the basic frame, such as the seat disclosed in Negroni. One would have been motivated to make such a modification in view of the suggestion in Negroni that the frame with the welded carriers provides a seat that is adjustable and accommodates sudden deceleration.

6. Claims 13, 14, and 19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackman in view of Negroni as applied to claims 12 and 15-18, as best understood above, and further in view of U.S. Patent No. 5,516,134 to Crawford et al.

Jackman, as modified, discloses a seat that is basically the same as that recited in claims 13, 14, and 19, as best understood, except that the surface lacks a multilayer laminate, as recited in the claims. See Figure 3 of Jackman for the teaching that the guides are at least two guide pipes. Crawford et al. show a seat similar to that of Jackman wherein the seat has a seat shell including a surface formed from a multilayer laminate, i.e. fiberglass, with a curved backrest. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Jackman such that the surface is formed from a multilayer laminate and has a curved backrest and the lower mounting of the damping element rotatable on the basic frame, such as the seat disclosed in Crawford et al. One would have been motivated to make

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such a modification in view of the suggestion in Crawford et al. that the surface with a curved formed of fiberglass conforms and supports the spine and hips of an occupant.

7. Claim 20, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackman in view of Negroni as applied to claims 12 and 15-18, as best understood above, and further in view of U.S. Patent No. 3,901,531 to Prochazka.

Jackman, as modified, discloses a seat that is basically the same as that recited in claim 20, as best understood, except that the damping element lacks a honeycomb grid, as recited in the claim. See Figure 3 of Jackman for the teaching that the damping element has bearings holding the end. Prochazka shows a seat similar to that of Jackman wherein the seat has a damping element with a honeycomb grid (see claim 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Jackman such that the damping element has a cylindrical honeycomb grid of metal with ends held by bearing and cylindrical receptacles, such as the seat disclosed in Prochazka. One would have been motivated to make such a modification in view of the suggestion in Prochazka that the particular damping element may withstand stress causes by an accident.

8. Claim 21, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackman in view of Negroni as applied to claims 12 and 15-18, as best understood above, and further in view of U.S. Patent No. 4,401,342 to Andersson.



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Jackman, as modified, discloses a seat that is basically the same as that recited in claim 21, as best understood, except that the frame lacks a rope, as recited in the claim. Andersson shows a seat similar to that of Jackman wherein the seat has a seat shell 29 (Fig. 1), a basic frame 1 (Fig. 1) with two longitudinal carriers 2 (Fig. 2), an auxiliary frame 16 (Fig. 1) with two longitudinal carriers 17a, 17b (Fig. 1), and a rope 30 (Fig. 1) connecting the longitudinal carriers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Jackman such that the rear ends of the longitudinal carriers of the basic frame and the rear ends of the two longitudinal members of the auxiliary frame are connected by a rope, such as the seat disclosed in Andersson. One would have been motivated to make such a modification in view of the suggestion in Andersson that the rope and frame configuration provides a seat with an adjustable vibration damping device.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats:

U.S. Pat. No. 1,445,404 to McCollough et al. U.S. Pat. No. 2,516,172 to Baldwin

U.S. Pat. No. 3,957,304 to Koutsky et al. U.S. Pat. No. 4,911,381 to Cannon et al.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE  
August 8, 2004

  
**PETER R. BROWN**  
**PRIMARY EXAMINER**